



In the Matter of:

EDWARD A. SLAVIN, JR.,

ARB CASE NO. 03-077

COMPLAINANT,

ALJ CASE NO. 03-CAA-12

v.

DATE: August 22, 2003

**OFFICE OF ADMINISTRATIVE
LAW JUDGES, ET AL.,**

RESPONDENTS.

BEFORE THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Edward A. Slavin, Jr., Esq., *St. Augustine, FL*

For the Respondents:

Edward D. Sieger, Esq., Nathaniel I. Spiller, Esq., Allen H. Feldman, Esq.,
Howard M. Radzley, Esq., *U.S. Department of Labor, Washington, D.C.*

ORDER DISMISSING APPEAL

On July 11, 2003, the Administrative Review Board issued an order directing Complainant, Edward Slavin, to show cause, no later than July 28, 2003, why the Board should not dismiss his Petition for Review for failure to prosecute his case because he failed to file an opening brief as required by the Board's briefing schedule, as amended. Complainant filed neither a response to the Show Cause Order nor an appropriate request for an extension of time.¹

¹ On July 26, and again on August 12, 2003, the Board received letters via telefax from the Complainant requesting extensions of time of 24 days and 45 days, respectively, in which to file his response to the Show Cause Order. The Board declines to accept these letters for filing because they do not comply with the Board's filing requirements. As we have repeatedly admonished Complainant, most recently in our July 11, 2003, Order Returning Letter Requesting Board to Modify Briefing Schedule, "requests to the Board to take action must be in the form of a motion with an appropriate caption, including the Board's docket number." *Erickson v. United States Envtl. Prot. Agency*, ARB Nos. 03-02, 03, 04, ALJ Nos. 1999-CAA-2, 2001-CAA-8, 13,

Accordingly, we dismiss the Petition for Review for failure to prosecute.²

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge

2002-CAA-3, 18 (ARB Oct. 17, 2002). Complainant's July 26 and August 12 requests for Board action were not in the form of a motion nor did they include the appropriate caption.

² On August 1, 2003, Respondent filed an opposition to Complainant's July 26, 2003, request for an extension of time. With the Board's dismissal of this case, the Respondent's opposition is now moot.